Representative Rebecca Chavez-Houck proposes the following substitute bill:

1   # MODIFICATIONS TO ELECTION LAW

2   2018 GENERAL SESSION

3   STATE OF UTAH

4   **Chief Sponsor: Rebecca Chavez-Houck**

5   Senate Sponsor: _____

6

7   **LONG TITLE**

8   **General Description:**

9   This bill amends provisions of the Election Code.

10   **Highlighted Provisions:**

11   This bill:

12   ‣   amends definitions;

13   ‣   provides that an otherwise eligible voter may register to vote, and vote, by casting a

14   provisional ballot on election day or during the early voting period;

15   ‣   amends provisions relating to voter registration deadlines and the information

16   provided to applicants for voter registration;

17   ‣   changes the deadline for filing an absentee ballot application and for casting an

18   absentee ballot in person;

19   ‣   requires a county clerk to include certain voters on the absentee voter list;

20   ‣   amends provisions related to absentee voting;

21   ‣   amends provisions for removing a voter from the absentee ballot list;

22   ‣   requires the lieutenant governor to report to the Government Operations Interim

23   Committee regarding implementation of the provisions of this bill;

24   ‣   provides that an individual who applies for or renews the individual's driver license

25   or state identification card will be registered to vote unless the individual opts out;

26   ‣   allows certain information in a driver license or state identification card application

27   form to be used for voter registration purposes;

28   ‣   requires a county clerk to send certain information to an individual who registers to

29   vote;

30   ‣   provides that an individual is not guilty of fraudulent registration if the individual is

31   ineligible to register to vote but is inadvertently registered to vote under this bill;

32   ‣   provides that an election may not be conducted entirely by absentee ballot, except

33   for an election on a referendum challenging a local tax law;

34   ‣   requires a county to provide a certain number of polling places on the date of an

35   election; and

36   ‣   makes technical and conforming changes.

37   **Money Appropriated in this Bill:**

38   None

39   **Other Special Clauses:**

40   None

41   **Utah Code Sections Affected:**

42   AMENDS:

43   **20A-2-102.5**, as last amended by Laws of Utah 2014, Chapters 98 and 231

44   **20A-2-108**, as last amended by Laws of Utah 2015, Chapter 130

45   **20A-2-201**, as last amended by Laws of Utah 2015, Chapters 130 and 394

46   **20A-2-202**, as last amended by Laws of Utah 2015, Chapter 130

47   **20A-2-204**, as last amended by Laws of Utah 2015, Chapter 130

48   **20A-2-205**, as last amended by Laws of Utah 2015, Chapter 130

49   **20A-2-206**, as last amended by Laws of Utah 2015, Chapter 130

50   **20A-2-304**, as last amended by Laws of Utah 2017, Chapter 91

51   **20A-2-307**, as last amended by Laws of Utah 2015, Chapter 79

52   **20A-2-401**, as last amended by Laws of Utah 2015, Chapter 130

53   **20A-3-302**, as last amended by Laws of Utah 2017, Chapters 235, 327 and last

54   amended by Coordination Clause, Laws of Utah 2017, Chapter 327

55   **20A-3-304**, as last amended by Laws of Utah 2015, Chapter 394

56   **20A-3-305**, as last amended by Laws of Utah 2017, Chapters 235 and 327

57   **20A-3-306**, as last amended by Laws of Utah 2015, Chapter 124

58   **20A-3-601**, as last amended by Laws of Utah 2017, Chapter 58

59   **20A-4-107**, as last amended by Laws of Utah 2014, Chapters 98, 231 and last amended

60   by Coordination Clause, Laws of Utah 2014, Chapter 231

61   **20A-5-303**, as last amended by Laws of Utah 2011, Chapter 335

62   ENACTS:

63   **20A-2-207**, Utah Code Annotated 1953

64

65   *Be it enacted by the Legislature of the state of Utah:*

66   Section 1. Section **20A-2-102.5** is amended to read:

67   **20A-2-102.5. Voter registration deadline.**

68   (1) Except as provided in Section 20A-2-201, 20A-2-206, 20A-2-207, or 20A-4-107[,]

69   or Chapter 16, Uniform Military and Overseas Voters Act, a person who fails to submit a

70   correctly completed voter registration form on or before the voter registration deadline may not

71   vote in the election.

72   (2) The voter registration deadline is 30 calendar days before the date of the election.

73   Section 2. Section **20A-2-108** is amended to read:

74   **20A-2-108. Driver license or state identification card registration form --**

75   **Transmittal of information.**

76   (1) As used in this section, "qualifying form" means:

77   (a) a driver license application form; or

78   (b) a state identification card application form.

79   [(1)] (2) The lieutenant governor and the Driver License Division shall design [the

80   driver license application and renewal forms to include the following questions:] each

81   qualifying form to include the following statement: "If you are qualified to register or

82   preregister to vote, the information on this form will be used for voter registration purposes,

83   unless you indicate otherwise by marking here: No, I do not authorize the use of the

84   information in this form for voter registration purposes."

85   [(a) "If you are not registered to vote where you live now, would you like to register to

86   vote today?"; and]

87   [(b) "If you are 16 or 17 years of age, and will not be 18 years of age before the date of

88   the next election, would you like to preregister to vote today?"]

89   [(2) (a) The lieutenant governor and the Driver License Division shall design a motor

90   voter registration form to be used in conjunction with driver license application and renewal

91   forms.]

92   [(b) Each driver license application and renewal form shall contain:]

93   [(i) a place for the applicant to decline to register or preregister to vote;]

94   [(ii) an eligibility statement in substantially the following form:]

95   ["I do swear (or affirm), subject to penalty of law for false statements, that the

96   information contained in this form is true, and that I am a citizen of the United States and a

97   resident of the state of Utah, residing at the above address. Unless I have indicated above that I

98   am preregistering to vote in a later election, I will be at least 18 years of age and will have

99   resided in Utah for 30 days immediately before the next election.]

100   [Signed and sworn]

101   [⸺⸺⸺⸺⸺⸺⸺⸺]

102   [Voter's Signature]

103   [⸺⸺⸺(month\day\year)";]

104   [(iii) a citizenship affidavit in substantially the following form:]

105   ["CITIZENSHIP AFFIDAVIT]

106   [Name:]

107   [Name at birth, if different:]

108   [Place of birth:]

109   [Date of birth:]

110   [Date and place of naturalization (if applicable):]

111   [I hereby swear and affirm, under penalties for voting fraud set forth below, that I am a

112   citizen and that to the best of my knowledge and belief the information above is true and

113   correct.]

114   [⸺⸺⸺⸺⸺⸺]

115   [Signature of Applicant]

116   [In accordance with Section 20A-2-401, the penalty for willfully causing, procuring, or

117   allowing yourself to be registered or preregistered to vote if you know you are not entitled to

118   register or preregister to vote is up to one year in jail and a fine of up to $2,500";]

119   (3) The lieutenant governor and the Driver License Division shall ensure that a

120   qualifying form contains:

121   (a) a place for an individual to affirm the individual's citizenship, voting eligibility, and

122   Utah residency, and that the information provided in the form is true;

123   (b) a records disclosure that is similar to the records disclosure on a voter registration

124   form described in Section 20A-2-104;

125   [(iv)] (c) a statement that if an applicant declines to register or preregister to vote, the

126   fact that the applicant has declined to register or preregister will remain confidential and will be

127   used only for voter registration purposes; and

128   [(v)] (d) a statement that if an applicant does register or preregister to vote, the office at

129   which the applicant submits a voter registration application will remain confidential and will be

130   used only for voter registration purposes[; and].

131   [(vi) the following statement:]

132   ["The portion of a voter registration form that lists a person's driver license or

133   identification card number, Social Security number, and email address is a private record. The

134   portion of a voter registration form that lists a person's date of birth is a private record, the use

135   of which is restricted to government officials, government employees, political parties, or

136   certain other persons.]

137   [If you believe that disclosure of any information contained in this voter registration

138   form to a person other than a government official or government employee is likely to put you

139   or a member of your household's life or safety at risk, or to put you or a member of your

140   household at risk of being stalked or harassed, you may apply to the lieutenant governor or your

141   county clerk to have your entire voter registration record classified as private."]

142   [(3) Upon receipt of a voter registration form from an applicant, the county clerk or the

143   clerk's designee shall:]

144   [(a) review the voter registration form for completeness and accuracy; and]

145   [(b) if the county clerk believes, based upon a review of the form, that a person may be

146   seeking to register or preregister to vote who is not legally entitled to register or preregister to

147   vote, refer the form to the county attorney for investigation and possible prosecution.]

148   Section 3. Section **20A-2-201** is amended to read:

149   **20A-2-201. Registering to vote at office of county clerk.**

150   (1) Except as provided in Subsection (3), the county clerk shall register to vote each

151   individual who registers in person at the county clerk's office during designated office hours if

152   the individual will, on the date of the election, be legally eligible to vote in a voting precinct in

153   the county in accordance with Section 20A-2-101.

154   (2) If an individual who is registering to vote submits a registration form in person at

155   the office of the county clerk during designated office hours, during the period beginning on

156   the date after the voter registration deadline and ending on the date that is 15 calendar days

157   before the date of the election, the county clerk shall:

158   (a) accept the form if the individual, on the date of the election, will be legally

159   qualified and entitled to vote in a voting precinct in the county; and

160   (b) inform the individual that the individual will be registered to vote in the pending

161   election.

162   (3) If an individual who is registering to vote and who will be legally qualified and

163   entitled to vote in a voting precinct in the county on the date of an election appears in person,

164   during designated office hours, and submits a registration form on the date of the election or

165   during the 14 calendar days before an election, the county clerk shall:

166   (a) accept the registration form; and

167   (b) (i) if [it is] the individual submits the registration form seven or more calendar days

168   before the date of an election, inform the individual that:

169   (A) [inform the individual that] the individual is registered to vote in the pending

170   election; and

171   (B) for the pending election, the individual must vote on the day of the election [and is

172   not eligible to vote using early voting under Chapter 3, Part 6, Early Voting] or by provisional

173   ballot, under Section 20A-2-207, during the early voting period described in Section

174   20A-3-601, because the individual registered [too] late; or

175   (ii) [except as provided in Subsection 20A-4-108(5), if it is] if the individual submits

176   the registration form on the date of an election or during the six calendar days before an

177   election, inform the individual [that the individual]:

178   (A) of each manner still available to the individual to timely register to vote in the

179   current election; and

180   (B) that, if the individual does not timely register in a manner described in Subsection

181   (3)(b)(ii)(A), the individual will be registered to vote but may not vote in the pending election

182   because the individual registered [too] late.

183   Section 4. Section **20A-2-202** is amended to read:

184   **20A-2-202. Registration by mail.**

185   (1) (a) A citizen who will be qualified to vote at the next election may register by mail.

186   (b) To register by mail, a citizen shall complete and sign the by-mail registration form

187   and mail or deliver it to the county clerk of the county in which the citizen resides.

188   (c) In order to register to vote in a particular election, the citizen shall:

189   (i) address the by-mail voter registration form to the county clerk; and

190   (ii) ensure that [it] the by-mail voter registration form is postmarked on or before the

191   voter registration deadline or is otherwise marked by the post office as received by the post

192   office on or before the voter registration deadline.

193   (d) The citizen has effectively registered to vote under this section only when the

194   county clerk's office has received a correctly completed by-mail voter registration form.

195   (2) Upon receipt of a correctly completed by-mail voter registration form, the county

196   clerk shall, unless the individual named in the form is preregistering to vote:

197   (a) enter the applicant's name on the list of registered voters for the voting precinct in

198   which the applicant resides; and

199   (b) mail confirmation of registration to the newly registered voter after entering the

200   applicant's voting precinct number on that copy.

201   (3) [(a)] If the county clerk receives a correctly completed by-mail voter registration

202   form that is postmarked after the voter registration deadline, and is not otherwise marked by

203   the post office as received by the post office before the voter registration deadline, the county

204   clerk shall[, unless]:

205   (a) if the individual named in the form is preregistering to vote[: (i)], comply with

206   Section 20A-2-101.1; or

207   (b) (i) unless the individual timely registers to vote in the current election in a manner

208   that permits registration after the voter registration deadline, register the [applicant] individual

209   after the next election; and

210   (ii) if possible, promptly [phone or] mail a notice to, or otherwise notify, the

211   [applicant] individual before the election, informing the [applicant that his] individual:

212   (A) of each manner still available to the individual to timely register to vote in the

213   current election; and

214   (B) that, if the individual does not timely register in a manner described in Subsection

215   (3)(b)(ii)(A), the individual's registration will not be effective until after the election.

216   [(b)] (4) When the county clerk receives a correctly completed by-mail voter

217   registration form at least seven days before an election that is postmarked on or before the date

218   of the voter registration deadline, or is otherwise marked by the post office as received by the

219   post office on or before the voter registration deadline, the county clerk shall:

220   [(i)] (a) process the by-mail voter registration form; and

221   [(ii)] (b) record the new voter in the official register.

222   [(4)] (5) If the county clerk determines that a registration form received by mail or

223   otherwise is incorrect because of an error or because it is incomplete, the county clerk shall

224   mail notice to the person attempting to register or preregister, stating that the person has not

225   been registered or preregistered because of an error or because the form is incomplete.

226   Section 5. Section **20A-2-204** is amended to read:

227   **20A-2-204.   Registering to vote when applying for or renewing a driver license.**

228   (1) As used in this section, "voter registration form" means [the driver license

229   application/voter registration form and the driver license renewal/voter registration form

230   required by Section 20A-2-108] the information on a qualifying form, as defined in Section

231   20A-2-108, that can be used for voter registration purposes if the individual named on the form

232   does not indicate otherwise under Subsection 20A-2-108(2).

233   (2) [Any] A citizen who is qualified to vote [may register] and who completes a voter

234   registration form under this section shall be registered to vote, and [any] a citizen who is

235   qualified to preregister to vote [may preregister] and who completes a voter registration form

236   under this section shall be preregistered to vote[, by completing the voter registration form].

237   (3) The Driver License Division shall:

238   (a) assist [applicants] an individual in completing the voter registration form unless the

239   [applicant] individual refuses assistance;

240   [(b) accept a completed voter registration form and transmit the form to the county

241   clerk of the county in which the applicant resides within five days after the day on which the

242   division receives the form;]

243   [(c)] (b) electronically transmit each address change to the lieutenant governor within
244   five days after the day on which the division receives the address change; and
245   [(d) transmit electronically to the lieutenant governor's office the name, address, birth
246   date, and driver license number of each individual who answers "yes" to a question described
247   in Subsection 20A-2-108(1), and indicate whether the individual is registering or preregistering
248   to vote.]
249   [(4) (a) Upon receipt of a correctly completed voter registration form from an
250   individual who is registering to vote, the county clerk shall:]
251   [(i) enter the applicant's name on the list of registered voters for the voting precinct in
252   which the applicant resides; and]
253   [(ii) notify the applicant of registration.]
254   [(b) Upon receipt of a correctly completed voter registration form from an individual
255   who is preregistering to vote, the county clerk shall]
256   (c) within five days after the day on which the division receives a voter registration
257   form, electronically transmit the form to the Office of the Lieutenant Governor, including the
258   following for the individual named on the form:
259   (i) the name, date of birth, driver license or state identification card number, last four
260   digits of the social security number, Utah residential address, place of birth, and signature;
261   (ii) a mailing address, if different from the individual's Utah residential address; and
262   (iii) an email address and phone number, if available.
263   (4) Upon receipt of an individual's voter registration form from the Driver License
264   Division under Subsection (3), the lieutenant governor shall enter the information into the
265   statewide voter registration database.
266   (5) The county clerk of an individual whose information is entered into the statewide
267   voter registration database under Subsection (4) shall:
268   (a) (i) ensure that the individual meets the qualifications to be registered or
269   preregistered to vote; and
270   (ii) if the individual meets the qualifications to be registered to vote:
271   (A) ensure that the individual is assigned to the proper voting precinct; and
272   (B) send the individual the notice described in Section 20A-2-304; or
273   (b) if the individual meets the qualifications to be preregistered to vote, process the

274   form in accordance with the requirements of Section 20A-2-101.1.

275   [(5)] (6) (a) If the county clerk receives a correctly completed voter registration form

276   under this section that is dated after the voter registration deadline, the county clerk shall[,

277   unless]:

278   (a) if the individual named in the form is preregistering to vote[: (i)], comply with

279   Section 20A-2-101.1; or

280   (b) (i) unless the individual timely registers to vote in the current election in a manner

281   that permits registration after the voter registration deadline, register the [applicant] individual

282   after the next election; and

283   (ii) if possible, promptly phone or mail a notice to the [applicant] individual before the

284   election[;] informing the [applicant that his] individual:

285   (A) of each manner still available to the individual to timely register to vote in the

286   current election; and

287   (B) that, if the individual does not timely register in a manner described in Subsection

288   (5)(b)(ii)(A), the individual's registration will not be effective until after the election.

289   (b) When the county clerk receives a correctly completed voter registration form at

290   least seven days before an election that is dated on or before the voter registration deadline, the

291   county clerk shall, unless the individual named in the form is preregistering to vote:

292   (i) process the voter registration form; and

293   (ii) record the [new voter] individual in the official register.

294   [(6)] (7) (a) If the county clerk determines that [a] an individual's voter registration

295   form received from the Driver License Division is incorrect because of an error [or], because

296   [it] the form is incomplete, or because the individual does not meet the qualifications to be

297   registered to vote, the county clerk shall mail notice to the individual [attempting to register or

298   preregister to vote,] stating that the individual has not been registered or preregistered because

299   of an error [or], because the form is incomplete, or because the individual does not meet the

300   qualifications to be registered to vote.

301   (b) If a county clerk believes, based upon a review of a voter registration form, that an

302   individual, who knows that the individual is not legally entitled to register or preregister to

303   vote, may be intentionally seeking to register or preregister to vote, the county clerk shall refer

304   the form to the county attorney for investigation and possible prosecution.

305   Section 6. Section **20A-2-205** is amended to read:

306   **20A-2-205.   Registration at voter registration agencies.**

307   (1) As used in this section:

308   (a) "Discretionary voter registration agency" means the same as that term is defined in

309   Section 20A-2-300.5.

310   (b) "Public assistance agency" means each office in Utah that provides:

311   (i) public assistance; or

312   (ii) state funded programs primarily engaged in providing services to people with

313   disabilities.

314   (2) An individual may obtain and complete a by-mail registration form at a public

315   assistance agency or discretionary voter registration agency.

316   (3) Each public assistance agency and discretionary voter registration agency shall

317   provide, either as part of existing forms or on a separate form, the following information in

318   substantially the following form:

319   "REGISTERING TO VOTE

320   If you are not registered to vote where you live now, would you like to apply to register

321   or preregister to vote here today? (The decision of whether to register or preregister to vote will

322   not affect the amount of assistance that you will be provided by this agency.) Yes____ No____

323   IF YOU DO NOT CHECK EITHER BOX, YOU WILL BE CONSIDERED TO HAVE

324   DECIDED NOT TO REGISTER OR PREREGISTER TO VOTE AT THIS TIME. If you

325   would like help in filling out the voter registration form, we will help you. The decision about

326   whether to seek or accept help is yours. You may fill out the application form in private. If

327   you believe that someone has interfered with your right to register or preregister or to decline to

328   register or preregister to vote, your right to privacy in deciding whether to register or

329   preregister, or in applying to register or preregister to vote, or your right to choose your own

330   political party or other political preference, you may file a complaint with the Office of the

331   Lieutenant Governor, State Capitol Building, Salt Lake City, Utah 84114. (The phone number

332   of the Office of the Lieutenant Governor)."

333   (4) Unless a person applying for service or assistance from a public assistance agency

334   or discretionary voter registration agency declines, in writing, to register or preregister to vote,

335   each public assistance agency and discretionary voter registration agency shall:

336   (a) distribute a by-mail voter registration form with each application for service or

337   assistance provided by the agency or office;

338   (b) assist applicants in completing the voter registration form unless the applicant

339   refuses assistance;

340   (c) accept completed forms for transmittal to the appropriate election official; and

341   (d) transmit a copy of each voter registration form to the appropriate election official

342   within five days after it is received by the division.

343   (5) A person in a public assistance agency or a discretionary voter registration agency

344   that helps a person complete the voter registration form may not:

345   (a) seek to influence an applicant's political preference or party registration;

346   (b) display any political preference or party allegiance;

347   (c) make any statement to an applicant or take any action that has the purpose or effect

348   of discouraging the applicant from registering to vote; or

349   (d) make any statement to an applicant or take any action that has the purpose or effect

350   of leading the applicant to believe that a decision of whether to register or preregister has any

351   bearing upon the availability of services or benefits.

352   (6) Upon receipt of a correctly completed voter registration form, the county clerk

353   shall, unless the individual named in the form is preregistering to vote:

354   (a) enter the applicant's name on the list of registered voters for the voting precinct in

355   which the applicant resides; and

356   (b) notify the applicant of registration.

357   (7) [(a)] If the county clerk receives a correctly completed voter registration form that

358   is dated after the voter registration deadline, the county clerk shall[, unless]:

359   (a) if the individual named in the form is preregistering to vote[: (i)], comply with

360   Section 20A-2-101.1; or

361   (b) (i) unless the individual timely registers to vote in the current election in a manner

362   that permits registration after the voter registration deadline, register the [applicant] individual

363   after the next election; and

364   (ii) if possible, promptly phone or mail a notice to the [applicant] individual before the

365   election, informing the [applicant that his] individual:

366   (A) of each manner still available to the individual to timely register to vote in the

367   current election; and

368   (B) that, if the individual does not timely register in a manner described in Subsection

369   (7)(b)(ii)(A), the individual's registration will not be effective until after the election.

370   [(b)] (8) When the county clerk receives a correctly completed voter registration form

371   at least seven days before an election that is dated on or before the voter registration deadline,

372   the county clerk shall:

373   [(i)] (a) process the voter registration form; and

374   [(ii)] (b) record the new voter in the official register.

375   [(8)] (9) If the county clerk determines that a voter registration form received from a

376   public assistance agency or discretionary voter registration agency is incorrect because of an

377   error or because it is incomplete, the county clerk shall mail notice to the individual attempting

378   to register or preregister to vote, stating that the individual has not been registered or

379   preregistered to vote because of an error or because the form is incomplete.

380   Section 7. Section **20A-2-206** is amended to read:

381   **20A-2-206.   Electronic registration -- Requests for absentee ballot application.**

382   (1) The lieutenant governor may create and maintain an electronic system that is

383   publicly available on the Internet for an individual to apply for voter registration or

384   preregistration and for an individual to request an absentee ballot.

385   (2) An electronic system for voter registration or preregistration shall require:

386   (a) that an applicant have a valid driver license or identification card, issued under Title

387   53, Chapter 3, Uniform Driver License Act, that reflects the applicant's current principal place

388   of residence;

389   (b) that the applicant provide the information required by Section 20A-2-104, except

390   that the applicant's signature may be obtained in the manner described in Subsections (2)(d)

391   and (4);

392   (c) that the applicant attest to the truth of the information provided; and

393   (d) that the applicant authorize the lieutenant governor's and county clerk's use of the

394   applicant's:

395   (i) driver license or identification card signature, obtained under Title 53, Chapter 3,

396   Uniform Driver License Act, for voter registration purposes; or

397   (ii) signature on file in the lieutenant governor's statewide voter registration database

398   developed under Section 20A-2-109.

399   (3) Notwithstanding Section 20A-2-104, an applicant using the electronic system for

400   voter registration or preregistration created under this section is not required to complete a

401   printed registration form.

402   (4) A system created and maintained under this section shall provide the notices

403   concerning a voter's presentation of identification contained in Subsection 20A-2-104(1).

404   (5) The lieutenant governor shall:

405   (a) obtain a digital copy of the applicant's driver license or identification card signature

406   from the Driver License Division; or

407   (b) ensure that the applicant's signature is already on file in the lieutenant governor's

408   statewide voter registration database developed under Section 20A-2-109.

409   (6) The lieutenant governor shall send the information to the county clerk for the

410   county in which the applicant's principal place of residence is found for further action as

411   required by Section 20A-2-304 after:

412   (a) receiving all information from an applicant; and

413   (b) (i) receiving all information from the Driver License Division; or

414   (ii) ensuring that the applicant's signature is already on file in the lieutenant governor's

415   statewide voter registration database developed under Section 20A-2-109.

416   (7) The lieutenant governor may use additional security measures to ensure the

417   accuracy and integrity of an electronically submitted voter registration.

418   (8) [(a)] If an individual applies to register under this section during the period

419   beginning on the date after the voter registration deadline and ending on the date that is 15

420   calendar days before the date of an election, the county clerk shall, unless the individual is

421   preregistering to vote:

422   [(i)] (a) accept the application for registration if the individual, on the date of the

423   election, will be legally qualified and entitled to vote in a voting precinct in the state; and

424   [(ii)] (b) inform the individual that the individual is registered to vote in the pending

425   election.

426   [(b)] (9) If an individual applies to register under this section during the period

427   beginning on the date that is 14 calendar days before the election and ending on the date that is

428   seven calendar days before the election, the county clerk shall, unless the individual is

429   preregistering to vote:

430   [(i)] (a) accept the application for registration if the individual, on the date of the

431   election, will be legally qualified and entitled to vote in a voting precinct in the state; and

432   [(ii)] (b) inform the individual that:

433   [(A)] (i) the individual is registered to vote in the pending election; and

434   [(B)] (ii) for the pending election, the individual must vote on the day of the election

435   and is not eligible to vote using early voting under Chapter 3, Part 6, Early Voting, because the

436   individual registered too late.

437   [(c)] (10) If an individual applies to register under this section during the six calendar

438   days before an election, the county clerk shall[, unless]:

439   (a) if the individual is preregistering to vote[: (i)], comply with Section 20A-2-101.1;

440   or

441   (b) (i) unless the individual timely registers to vote in the current election in a manner

442   that permits registration after the voter registration deadline, accept the application for

443   registration if the individual, on the date of the election, will be legally qualified and entitled to

444   vote in a voting precinct in the state; and

445   (ii) inform the individual [that the individual]:

446   (A) of each manner still available to the individual to timely register to vote in the

447   current election; and

448   (B) that, if the individual does not timely register in a manner described in Subsection

449   (10)(b)(ii)(A), the individual is registered to vote but may not vote in the pending election

450   because the individual registered [too] late.

451   [(9)] (11) (a) A registered voter may file an application for an absentee ballot in

452   accordance with Section 20A-3-304 on the electronic system for voter registration established

453   under this section.

454   (b) The lieutenant governor shall provide a means by which a registered voter shall

455   sign the application form as provided in Section 20A-3-304.

456   Section 8. Section **20A-2-207** is enacted to read:

457   **20A-2-207. Registration by provisional ballot.**

458   (1) An individual who is not registered to vote may register to vote, and vote, on

459   election day or during the early voting period described in Section 20A-3-601, by voting a

460   provisional ballot, if:

461   (a) the individual is otherwise legally entitled to vote the ballot;

462   (b) the ballot is identical to the ballot for the precinct in which the individual resides;

463   (c) the information on the provisional ballot form is complete; and

464   (d) the individual provides valid voter identification and proof of residence to the poll

465   worker.

466   (2) If a provisional ballot and the individual who voted the ballot comply with the

467   requirements described in Subsection (1), the election officer shall:

468   (a) consider the provisional ballot a voter registration form;

469   (b) place the ballot with the absentee ballots, to be counted with those ballots at the

470   canvass; and

471   (c) as soon as reasonably possible, register the individual to vote.

472   (3) Except as provided in Subsection (4), the election officer shall retain a provisional

473   ballot form, uncounted, for the period specified in Section 20A-4-202, if the election officer

474   determines that the individual who voted the ballot:

475   (a) is not registered to vote and is not eligible for registration under this section; or

476   (b) is not legally entitled to vote the ballot that the individual voted.

477   (4) Subsection (3) does not apply if a court orders the election officer to produce or

478   count the provisional ballot.

479   (5) The lieutenant governor shall report to the Government Operations Interim

480   Committee on or before October 31, 2018, and on or before October 31, 2020, regarding:

481   (a) implementation of registration by provisional ballot, as described in this section, on

482   a statewide basis;

483   (b) any difficulties resulting from the implementation described in Subsection (5)(a);

484   (c) the effect of registration by provisional ballot on voter participation in Utah;

485   (d) the number of ballots cast by voters who registered by provisional ballot:

486   (i) during the early voting period described in Section 20A-3-601; and

487   (ii) on election day; and

488   (e) suggested changes in the law relating to registration by provisional ballot.

489   Section 9. Section **20A-2-304** is amended to read:

490   **20A-2-304.   County clerk's responsibilities -- Notice of disposition.**

491   Each county clerk shall:
492   (1) register to vote each [applicant for registration] individual who meets the
493   requirements for registration and who:
494   (a) submits a completed voter registration form to the county clerk [on or before the
495   voter registration deadline];
496   (b) submits a completed voter registration form, as defined in Section 20A-2-204, to
497   the Driver License Division[.];
498   (c) submits a completed voter registration form to a public assistance agency[;] or a
499   discretionary voter registration agency [on or before the voter registration deadline]; or
500   [(c)] (d) mails a completed by-mail voter registration form to the county clerk [on or
501   before the voter registration deadline]; and
502   (2) within 30 days after the day on which the county clerk processes a voter registration
503   [application] form, send a notice to the individual who submits the [application] form that:
504   (a) (i) informs the individual that the individual's [application for] voter registration
505   form has been accepted and that the individual is registered to vote;
506   (ii) informs the individual of the procedure for designating or changing the individual's
507   political affiliation;
508   (iii) informs the individual of the procedure to cancel a voter registration; and
509   (iv) if the voter registration form was submitted under Subsection (1)(b) after the voter
510   registration deadline and before the election to which the deadline pertains, informs the
511   individual that the individual's voter registration will not be effective until after the election;
512   (b) informs the individual that the individual's [application for] voter registration form
513   has been rejected and the reason for the rejection; or
514   (c) (i) informs the individual that the [application for] individual's voter registration
515   form is being returned to the individual for further action because the [application] form is
516   incomplete; and
517   (ii) gives instructions to the individual on how to properly complete the [application]
518   form.
519   Section 10. Section **20A-2-307** is amended to read:
520   **20A-2-307.   County clerks' instructions to election judges.**
521   (1) Each county clerk shall instruct election judges to allow a voter to vote a regular

522   ballot if:

523   (a) the voter has moved from one address within a voting precinct to another address

524   within the same voting precinct; and

525   (b) the voter affirms the change of address orally or in writing before the election

526   judges.

527   (2) Each county clerk shall instruct election judges to allow [a person] an individual to

528   vote a provisional ballot if:

529   (a) the individual is not registered to vote, but is otherwise legally entitled to vote

530   under Section 20A-2-207;

531   [(a)] (b) the voter's name does not appear on the official register; or

532   [(b)] (c) the voter is challenged as provided in Section 20A-3-202.

533   Section 11. Section **20A-2-401** is amended to read:

534   **20A-2-401.   Fraudulent registration -- Penalty.**

535   (1) (a) An individual may not willfully register to vote, or cause, procure, or allow

536   himself or herself to be registered to vote, knowing that the individual is not eligible to register

537   to vote under Section 20A-2-101.

538   (b) A person may not willfully cause, procure, advise, encourage, or assist any

539   individual to be registered to vote, knowing or believing that the individual is not eligible to

540   register to vote under Section 20A-2-101.

541   (2) (a) An individual may not willfully preregister to vote, or allow himself or herself

542   to be preregistered to vote, knowing that the individual is not eligible to preregister to vote

543   under Section 20A-2-101.1.

544   (b) A person may not willfully cause, advise, encourage, or assist an individual to

545   preregister to vote, knowing or believing that the individual is not eligible to preregister to vote

546   under Section 20A-2-101.1.

547   (3) A person is not guilty of violating this section if:

548   (a) the individual who is ineligible to vote becomes registered to vote under Section

549   20A-2-204; and

550   (b) the person did not:

551   (i) provide false information; or

552   (ii) take other action intended to cause the registration of an individual who is

553   ineligible to vote.

554   [(3)] (4) A person who violates this section is guilty of a class A misdemeanor.

555   Section 12. Section **20A-3-302** is amended to read:

556   **20A-3-302.   Conducting entire election by absentee ballot prohibited -- Exception.**

557   (1) [(a) Notwithstanding Section ~~17B-1-306~~, an] An election officer may not

558   administer an election entirely by absentee ballot, unless the election is held solely for a

559   referendum challenging a local tax law under Section 20A-7-609.5.

560   [(b) An election officer who administers an election entirely by absentee ballot, except

561   ~~for an election conducted under Section 20A-7-609.5, shall, before the following dates, notify~~

562   ~~the lieutenant governor that the election will be administered entirely by absentee ballot:~~]

563   [(i) February 1 of an even-numbered year if the election is a regular general election;

564   or]

565   [(ii) May 1 of an odd-numbered year if the election is a municipal general election.]

566   (2) If the election officer [~~decides to administer~~] administers an election entirely by

567   absentee ballot under Section 20A-7-609.5, the election officer shall mail to each registered

568   voter within that voting precinct:

569   (a) an absentee ballot;

570   (b) for an election administered by a county clerk, information regarding the location

571   and hours of operation of any election day voting center at which the voter may vote;

572   (c) a courtesy reply mail envelope;

573   (d) instructions for returning the ballot that include an express notice about any

574   relevant deadlines that the voter must meet in order for the voter's vote to be counted; and

575   (e) for an election administered by an election officer other than a county clerk, if the

576   election officer does not operate a polling location or an election day voting center, a warning,

577   on a separate page of colored paper in bold face print, indicating that if the voter fails to follow

578   the instructions included with the absentee ballot, the voter will be unable to vote in that

579   election because there will be no polling place in the voting precinct on the day of the election.

580   (3) A voter who votes by absentee ballot under this section is not required to apply for

581   an absentee ballot as required by this part.

582   (4) An election officer who administers an election entirely by absentee ballot under

583   Section 20A-7-609.5 shall:

584   (a) (i) obtain, in person, the signatures of each voter within that voting precinct before

585   the election; or

586   (ii) obtain the signature of each voter within the voting precinct from the county clerk;

587   and

588   (b) maintain the signatures on file in the election officer's office.

589   (5) Upon receipt of a returned absentee ballot, the election officer shall review and

590   process the ballot under Section 20A-3-308.

591   (6) A county that administers an election entirely by absentee ballot under Section

592   20A-7-609.5:

593   (a) shall provide at least one election day voting center in accordance with Title 20A,

594   Chapter 3, Part 7, Election Day Voting Center;

595   (b) shall ensure that an election day voting center operated by the county has at least

596   one voting device that is accessible, in accordance with the Help America Vote Act of 2002,

597   Pub. L. No. 107-252, for individuals with disabilities;

598   (c) is not required to pay return postage for an absentee ballot; and

599   (d) is subject to an audit conducted under Subsection (7).

600   (7) (a) The lieutenant governor shall:

601   (i) develop procedures for conducting an audit of affidavit signatures on ballots cast in

602   an election conducted under this section; and

603   (ii) after each [primary, general, or special] election conducted under this section,

604   select a number of ballots, in varying jurisdictions, to audit in accordance with the procedures

605   developed under Subsection (7)(a)(i).

606   (b) The lieutenant governor shall post the results of an audit conducted under this

607   Subsection (7) on the lieutenant governor's website.

608   Section 13. Section **20A-3-304** is amended to read:

609   **20A-3-304.   Application for absentee ballot -- Time for filing and voting.**

610   (1) (a) Any registered voter who wishes to vote an absentee ballot may either:

611   (i) file an absentee ballot application:

612   (A) on the electronic system maintained by the lieutenant governor under Section

613   20A-2-206; or

614   (B) with the appropriate election officer for an official absentee ballot as provided in

615   this section; or

616   (ii) vote in person at the office of the appropriate election officer as provided in Section

617   20A-3-306.

618   (b) A person that collects a completed absentee ballot application from a registered

619   voter shall file the completed absentee ballot application with the appropriate election official

620   before the earlier of:

621   (i) 14 days after the day on which the registered voter signed the absentee ballot form;

622   or

623   (ii) the [Thursday] Tuesday before the next election.

624   (2) As it relates to an absentee ballot application to be filled out entirely by the voter:

625   (a) except as provided in Subsection (2)(b), the lieutenant governor or election officer

626   shall approve an application form for absentee ballot applications:

627   (i) in substantially the following form:

628   "I, _____, a qualified elector, residing at _____ Street, _____ City, _____ County, Utah

629   apply for an official absentee ballot to be voted by me at the election.

630   Date _____ (month\day\year) Signed _____

631   Voter"; and

632   (ii) that asks the voter to indicate whether the voter wishes to maintain absentee voter

633   status:

634   (A) until the voter requests otherwise at a future date; or

635   (B) until a date specified by the voter in the application form; and

636   (b) the lieutenant governor or election officer shall approve an application form for

637   regular primary elections and for the Western States Presidential Primary:

638   (i) in substantially the following form:

639   "I, _____, a qualified elector, residing at _____ Street, _____ City, _____ County, Utah

640   apply for an official absentee ballot for the _____ political party to be voted by me

641   at the primary election.

642   I understand that I must be affiliated with or authorized to vote the political party's

643   ballot that I request.

644   Dated _____ (month\day\year) _____ Signed _____

645   Voter"; and

646   (ii) that asks the voter to indicate whether the voter wishes to maintain absentee voter

647   status:

648   (A) until the voter requests otherwise at a future date; or

649   (B) until a date specified by the voter in the application form.

650   (3) If requested by the applicant, the election officer shall:

651   (a) mail or fax the application form to the absentee voter; or

652   (b) deliver the application form to any voter who personally applies for it at the office

653   of the election officer.

654   (4) As it relates to an absentee ballot application to be filled out for, and finished and

655   signed by, a voter:

656   (a) except as provided in Subsection (4)(b), the lieutenant governor or election officer

657   shall approve an application form for absentee ballot applications:

658   (i) in substantially the following form:

659   "I, _____, a qualified elector, residing at _____ Street, _____ City, _____ County, Utah

660   apply for an official absentee ballot to be voted by me at the election.

661   I understand that a person that collects this absentee ballot application is required to file

662   it with the appropriate election official before the earlier of fourteen days after the day on

663   which I sign the application or the [Thursday] Tuesday before the next election.

664   This form is provided by (insert name of person or organization).

665   I have verified that the information on this application is correct.

666   I understand that I will receive a ballot at the following address: (insert address and an

667   adjacent check box);

668   OR

669   I request that the ballot be mailed to the following address: (insert blank space for an

670   address and an adjacent check box).

671   Date _____ (month\day\year) Signed _____

672   Voter"; and

673   (ii) that asks the voter to indicate whether the voter wishes to maintain absentee voter

674   status:

675   (A) until the voter requests otherwise at a future date; or

676   (B) until a date specified by the voter in the application form; and

677   (b) the lieutenant governor or election officer shall approve an application form for

678   regular primary elections and for the Western States Presidential Primary:

679   (i) in substantially the following form:

680   "I, ____, a qualified elector, residing at ____ Street, ____ City, ____ County, Utah

681   apply for an official absentee ballot for the _____ political party to be voted by me

682   at the primary election.

683   I understand that I must be affiliated with or authorized to vote the political party's

684   ballot that I request. I understand that a person that collects this absentee ballot application is

685   required to file it with the appropriate election official before the earlier of fourteen days after

686   the day on which I sign the application or the [Thursday] Tuesday before the next primary

687   election.

688   This form is provided by (insert name of person or organization).

689   I have verified that the information on this application is correct.

690   I understand that I will receive a ballot at the following address: (insert address and an

691   adjacent check box);

692   OR

693   I request that the ballot be mailed to the following address: (insert blank space for an

694   address and an adjacent check box).

695   Dated _____ (month\day\year) ____ Signed _____

696   Voter"; and

697   (ii) that asks the voter to indicate whether the voter wishes to maintain absentee voter

698   status:

699   (A) until the voter requests otherwise at a future date; or

700   (B) until a date specified by the voter in the application form.

701   (5) The forms described in Subsections (2) and (4) shall contain instructions on how a

702   voter may cancel an absentee ballot application.

703   (6) Except as provided in Subsection 20A-3-306(2)(a), a voter who wishes to vote by

704   absentee ballot shall file the application for an absentee ballot with the lieutenant governor or

705   appropriate election officer no later than the [Thursday] Tuesday before election day.

706   (7) (a) A county clerk shall establish an absentee voter list containing the name of

707   [each voter who]:

708   (i) each voter who:

709   (A) requests absentee voter status; and

710   [(ii)] (B) meets the requirements of this section[.]; and

711   (ii) each voter:

712   (A) to whom the county clerk mailed an absentee ballot in an election that was

713   conducted entirely by mail between September 1, 2016 and May 7, 2018; and

714   (B) who is currently registered to vote in the clerk's county.

715   (b) A voter described in Subsection (7)(a)(ii) is not required to apply for an absentee

716   ballot to receive an absentee ballot under this part unless the voter's name is removed from the

717   absentee voter list under Subsection (7)(c) or (d).

718   [(b)] (c) A county clerk may not remove a voter's name from the list described in

719   Subsection (7)(a) unless:

720   (i) the voter is no longer listed in the official register;

721   (ii) the voter cancels the voter's absentee status; or

722   (iii) the voter's name is removed on the date specified by the voter on the absentee

723   ballot application form[.]; or

724   (iv) the county clerk is required, under Subsection (7)(d), to remove the voter's name

725   from the list.

726   (d) A county clerk shall remove a voter's name from the list described in Subsection

727   (7)(a) if the voter fails to vote in two consecutive regular general elections.

728   [(c)] (e) (i) Each year, the clerk shall mail a questionnaire to each voter whose name is

729   on the absentee voter list.

730   (ii) The questionnaire shall allow the voter to:

731   (A) verify the voter's residence; or

732   (B) cancel the voter's absentee status.

733   [(d)] (f) The clerk shall provide a copy of the absentee voter list to election officers for

734   use in elections.

735   Section 14. Section **20A-3-305** is amended to read:

736   **20A-3-305.   Mailing of ballot to voter -- Enclose self-addressed envelope --**

737   **Affidavit.**

738   (1) (a) Upon timely receipt of an absentee voter application properly filled out and

739   signed less than 30 days before the election, the election officer shall either:

740   (i) give the applicant an official absentee ballot and envelope to vote in the office; or

741   (ii) mail an official absentee ballot[, postage paid,] to the absentee voter and enclose an

742   envelope [printed as required] that complies with the requirements described in Subsection (2).

743   (b) No later than 21 days before election day, the election officer shall mail [an official

744   absentee ballot, postage paid,] to all absentee voters, other than to a uniformed-service voter or

745   an overseas voter, who [have submitted a properly filled out and signed absentee voter

746   application before the day on which the ballots are mailed and enclose an envelope printed as

747   required by Subsection (2).] are listed on the absentee voter list described in Subsection

748   20A-3-304(7):

749   (a) an absentee ballot;

750   (b) a courtesy reply mail envelope;

751   (c) instructions for returning the ballot that include an express notice about any

752   relevant deadlines that the voter must meet in order for the voter's vote to be counted; and

753   (d) information regarding how a voter may request an accommodation or assistance in

754   order to vote privately and independently.

755   (2) The election officer shall ensure that:

756   (a) the name, official title, and post office address of the election officer is printed on

757   the front of the envelope;

758   (b) the return envelope includes a space where a voter may write an email address and

759   phone number by which the election officer may contact the voter if the voter's ballot is

760   rejected; and

761   (c) the following is printed on the back of the envelope:

762   (i) a printed affidavit in substantially the following form:

763   "County of ____   State of ____

764   I, ____, solemnly swear that: I am a qualified resident voter of the ____ voting precinct

765   in ____ County, Utah and that I am entitled to vote in that voting precinct at the next election.

766   I am not a convicted felon currently incarcerated for commission of a felony.

767   _____

768   Signature of Absentee Voter"; and

769   (ii) a warning that the affidavit must be signed by the individual to whom the ballot

770 was sent and that the ballot will not be counted if the signature on the affidavit does not match

771 the signature on file with the election officer of the individual to whom the ballot was sent.

772 (3) If the election officer determines that the absentee voter is required to show valid

773 voter identification, the election officer shall:

774 (a) issue the voter a provisional ballot in accordance with Section 20A-3-105.5;

775 (b) instruct the voter to include a copy of the voter's valid voter identification with the

776 return ballot;

777 (c) provide the voter clear instructions on how to vote a provisional ballot; and

778 (d) comply with the requirements of Subsection (2).

779 (4) An election officer that sends a voter an absentee ballot under this section is not

780 required to pay return postage for the absentee ballot.

781 Section 15. Section **20A-3-306** is amended to read:

782 **20A-3-306. Voting ballot -- Returning ballot.**

783 (1) (a) Except as provided by Section 20A-1-308, to vote a mail-in absentee ballot, the

784 absentee voter shall:

785 (i) complete and sign the affidavit on the envelope;

786 (ii) mark the votes on the absentee ballot;

787 (iii) place the voted absentee ballot in the envelope;

788 (iv) securely seal the envelope; and

789 (v) attach postage, unless voting in accordance with Section 20A-3-302, and deposit

790 the envelope in the mail or deliver it in person to the election officer from whom the ballot was

791 obtained.

792 (b) Except as provided by Section 20A-1-308, to vote an absentee ballot in person at

793 the office of the election officer, the absent voter shall:

794 (i) complete and sign the affidavit on the envelope;

795 (ii) mark the votes on the absent-voter ballot;

796 (iii) place the voted absent-voter ballot in the envelope;

797 (iv) securely seal the envelope; and

798 (v) give the ballot and envelope to the election officer.

799 (2) Except as provided by Section 20A-1-308, an absentee ballot is not valid unless:

800 (a) in the case of an absentee ballot that is voted in person, the ballot is:

801   (i) applied for and cast in person at the office of the appropriate election officer no later

802   than the [Thursday] Tuesday before election day; or

803   (ii) submitted on election day at a polling location in the political subdivision where

804   the absentee voter resides;

805   (b) in the case of an absentee ballot that is submitted by mail, the ballot is:

806   (i) clearly postmarked before election day, or otherwise clearly marked by the post

807   office as received by the post office before election day; and

808   (ii) received in the office of the election officer before noon on the day of the official

809   canvass following the election; or

810   (c) in the case of a military-overseas ballot, the ballot is submitted in accordance with

811   Section 20A-16-404.

812   (3) An absentee voter may submit a completed absentee ballot at a polling location in a

813   political subdivision holding the election, if the absentee voter resides in the political

814   subdivision.

815   (4) An absentee voter may submit an incomplete absentee ballot at a polling location

816   for the voting precinct where the voter resides, request that the ballot be declared spoiled, and

817   vote in person.

818   Section 16. Section **20A-3-601** is amended to read:

819   **20A-3-601.   Early voting.**

820   (1) (a) An individual who is registered to vote may vote before the election date in

821   accordance with this section.

822   (b) An individual who is not registered to vote may register to vote and vote before the

823   election date in accordance with this section if the individual:

824   (i) is otherwise legally entitled to vote the ballot [in a jurisdiction that is approved by

825   the lieutenant governor to participate in the pilot project described in Section 20A-4-108]; and

826   (ii) casts a provisional ballot in accordance with Section [20A-4-108] 20A-2-207.

827   (2) Except as provided in Section 20A-1-308 or Subsection (3), the early voting period

828   shall:

829   (a) begin on the date that is 14 days before the date of the election; and

830   (b) continue through the Friday before the election if the election date is a Tuesday.

831   (3) An election officer may extend the end of the early voting period to the day before

832   the election date if the election officer provides notice of the extension in accordance with

833   Section 20A-3-604.

834   (4) Except as provided in Section 20A-1-308, during the early voting period, the

835   election officer:

836   (a) for a local special election, a municipal primary election, and a municipal general

837   election:

838   (i) shall conduct early voting on a minimum of four days during each week of the early

839   voting period; and

840   (ii) shall conduct early voting on the last day of the early voting period; and

841   (b) for all other elections:

842   (i) shall conduct early voting on each weekday; and

843   (ii) may elect to conduct early voting on a Saturday, Sunday, or holiday.

844   (5) Except as specifically provided in this Part 6, Early Voting, or Section 20A-1-308,

845   early voting shall be administered according to the requirements of this title.

846   Section 17. Section **20A-4-107** is amended to read:

847   **20A-4-107.   Review and disposition of provisional ballot envelopes.**

848   (1) As used in this section, a person is "legally entitled to vote" if:

849   (a) the person:

850   (i) is registered to vote in the state;

851   (ii) votes the ballot for the voting precinct in which the person resides; and

852   (iii) provides valid voter identification to the poll worker;

853   (b) the person:

854   (i) is registered to vote in the state;

855   (ii) (A) provided valid voter identification to the poll worker; or

856   (B) either failed to provide valid voter identification or the documents provided as

857   valid voter identification were inadequate and the poll worker recorded that fact in the official

858   register but the county clerk verifies the person's identity and residence through some other

859   means; and

860   (iii) did not vote in the person's precinct of residence, but the ballot that the person

861   voted was from the person's county of residence and includes one or more candidates or ballot

862   propositions on the ballot voted in the person's precinct of residence; or

863   (c) the person:

864   (i) is registered to vote in the state;

865   (ii) either failed to provide valid voter identification or the documents provided as

866   valid voter identification were inadequate and the poll worker recorded that fact in the official

867   register; and

868   (iii) (A) the county clerk verifies the person's identity and residence through some other

869   means as reliable as photo identification; or

870   (B) the person provides valid voter identification to the county clerk or an election

871   officer who is administering the election by the close of normal office hours on Monday after

872   the date of the election.

873   (2) (a) Upon receipt of a provisional ballot [envelopes] form, the election officer shall

874   review the affirmation on the [face of each] provisional ballot [envelope] form and determine if

875   the person signing the affirmation is:

876   (i) registered to vote in this state; and

877   (ii) legally entitled to vote:

878   (A) the ballot that the person voted; or

879   (B) if the ballot is from the person's county of residence, for at least one ballot

880   proposition or candidate on the ballot that the person voted.

881   (b) [If] Except as provided in Section 20A-2-207, if the election officer determines that

882   the person is not registered to vote in this state or is not legally entitled to vote in the county or

883   for any of the ballot propositions or candidates on the ballot that the person voted, the election

884   officer shall retain the ballot [envelope, unopened] form, uncounted, for the period specified in

885   Section 20A-4-202 unless ordered by a court to produce or count it.

886   (c) If the election officer determines that the person is registered to vote in this state

887   and is legally entitled to vote in the county and for at least one of the ballot propositions or

888   candidates on the ballot that the person voted, the election officer shall [remove the ballot from

889   the provisional ballot envelope and] place the provisional ballot with the absentee ballots to be

890   counted with those ballots at the canvass.

891   (d) The election officer may not count, or allow to be counted a provisional ballot

892   unless the person's identity and residence is established by a preponderance of the evidence.

893   (3) If the election officer determines that the person is registered to vote in this state, or

894   if the voter registers to vote in accordance with Section 20A-2-207, the election officer shall

895   ensure that the voter registration records are updated to reflect the information provided on the

896   provisional ballot [envelope] form.

897   (4) [If] Except as provided in Section 20A-2-207, if the election officer determines that

898   the person is not registered to vote in this state and the information on the provisional ballot

899   [envelope] form is complete, the election officer shall:

900   (a) consider the provisional ballot [envelope] form a voter registration form for the

901   person's county of residence; and

902   (b) (i) register the person if the voter's county of residence is within the county; or

903   (ii) forward the voter registration form to the election officer of the person's county of

904   residence, which election officer shall register the person.

905   (5) Notwithstanding any provision of this section, the election officer shall [remove the

906   ballot from] place a provisional ballot [envelope and place the ballot] with the absentee ballots

907   to be counted with those ballots at the canvass, if:

908   (a) (i) the election officer determines, in accordance with the provisions of this section,

909   that the sole reason a provisional ballot may not otherwise be counted is because the voter

910   registration was filed less than [eight] seven days before the election;

911   (ii) [eight] seven or more days before the election, the individual who cast the

912   provisional ballot:

913   (A) completed and signed the voter registration; and

914   (B) provided the voter registration to another person to file;

915   (iii) the late filing was made due to the person described in Subsection (5)(a)(ii)(B)

916   filing the voter registration less than [eight] seven days before the election; and

917   (iv) the election officer receives the voter registration no later than one day before the

918   day of the election; or

919   (b) the provisional ballot is cast on or before election day [in a county or municipality

920   that is approved by the lieutenant governor to participate in the pilot project and the provisional

921   ballot] and is not otherwise prohibited from being counted under the provisions of this chapter.

922   Section 18. Section **20A-5-303** is amended to read:

923   **20A-5-303.   Establishing, dividing, abolishing, and changing voting precincts --**

924   **Common polling places -- Combined voting precincts.**

925   (1) (a) After receiving recommendations from the county clerk, the county legislative
926   body may establish, divide, abolish, and change voting precincts.
927   (b) Within 30 days after the establishment, division, abolition, or change of a voting
928   precinct under this section, the county legislative body shall file with the Automated
929   Geographic Reference Center, created under Section 63F-1-506, a notice describing the action
930   taken and specifying the resulting boundaries of each voting precinct affected by the action.
931   (2) (a) The county legislative body shall alter or divide voting precincts so that each
932   voting precinct contains not more than 1,250 active voters.
933   (b) The county legislative body shall:
934   (i) identify those precincts that may reach the limit of active voters in a precinct under
935   Subsection (2)(a) or that becomes too large to facilitate the election process; and
936   (ii) except as provided by Subsection (3), divide those precincts on or before January 1
937   of a general election year.
938   (3) A county legislative body shall divide a precinct identified under Subsection
939   (2)(b)(i) on or before January 31 of a regular general election year that immediately follows the
940   calendar year in which the Legislature divides the state into districts in accordance with Utah
941   Constitution, Article IX, Section 1.
942   (4) Notwithstanding Subsection (2)(a) and except as provided by Subsection (5), the
943   county legislative body may not:
944   (a) establish or abolish any voting precinct after January 1 of a regular general election
945   year;
946   (b) alter or change the boundaries of any voting precinct after January 1 of a regular
947   general election year; or
948   (c) establish, divide, abolish, alter, or change a voting precinct between January 1 of a
949   year immediately preceding the year in which an enumeration is required by the United States
950   Constitution and the day on which the Legislature divides the state into districts in accordance
951   with Utah Constitution, Article IX, Section 1.
952   (5) A county legislative body may establish, divide, abolish, alter, or change a voting
953   precinct on or before January 31 of a regular general election year that immediately follows the
954   calendar year in which the Legislature divides the state into districts in accordance with Utah
955   Constitution, Article IX, Section 1.

956   (6) (a) [For] Subject to Subsection (7), for the purpose of voting in an election, the

957   county legislative body may establish a common polling place for two or more whole voting

958   precincts.

959   (b) At least 90 days before the election, the county legislative body shall designate:

960   (i) the voting precincts that will vote at the common polling place; and

961   (ii) the location of the common polling place.

962   (c) A county may use one set of election judges for the common polling place under

963   this Subsection (6).

964   (7) Each county shall have [at least two] a number of polling places open for voting on

965   the date of the election greater than or equal to the quotient of the number of active voters in

966   the county who are not included on the absentee voter list under Subsection 20A-3-304(7)

967   divided by 5,000, rounded up to the nearest whole number.

968   (8) Each common polling place shall have at least one voting device that is accessible

969   for individuals with disabilities in accordance with Public Law 107-252, the Help America

970   Vote Act of 2002.